

ORDINANCE NO. O-2013-_____

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON,
STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE AMENDING SECTIONS 2-516, 2-517, 2-528 OF
THE *CODE OF ORDINANCES OF BENTON COUNTY, ARKANSAS*
AND CREATING A NEW CODE SECTION 2-537, ALL
REGARDING BENTON COUNTY EMPLOYMENT POLICY**

WHEREAS, pursuant to Arkansas law, the Quorum Court’s legislative power expressly includes “any legislative authority with regard to employee policy and practices of a general nature,

**NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE
COUNTY OF BENTON, STATE OF ARKANSAS:**

ARTICLE 1. That the *Code of Ordinances of Benton County, Arkansas* and the current handbook for Benton County employees established by Ordinance 2008-26 is amended as provided in the attached 3 page document titled “Employee Policy Manual Changes” with underlined language to be added and lined through language to be deleted from the indicated sections. To the extent not revised by the attached document, the provisions of the *Code of Ordinances* and handbook shall remain unchanged from the language in effect immediately before adoption of this ordinance.

ARTICLE 2. This ordinance is not intended to create a contract with any employee of Benton County. Benton County remains an “at will” employer as that term is understood in Arkansas law.

APPROVED:

ROBERT CLINARD, COUNTY JUDGE
DATE SIGNED: _____

ATTEST:

TENA O’BRIEN, COUNTY CLERK

SPONSOR: JP Shirley Sandlin

DATE ADOPTED: _____

Votes For: _____ Votes Against: _____

Abstain: _____ Present: _____ Absent: _____

Employee Policy Manual Changes

Section 2-516 (revision to only the provided subparagraphs of section)

(3) CLASSIFICATIONS OF EMPLOYEES:

- a. REGULAR FULL-TIME: Employees who are regularly scheduled to work the county’s full-time work schedule of 40 hours per week (~~36~~ **30** or more hours per week-benefits eligible), and who are not assigned to a temporary classification. Regular full-time employees are, in most cases, eligible for all Benton County benefit programs, subject to the terms, conditions, and limitations of each benefit program.
- b. PART-TIME EMPLOYEES- Benefits Eligible: Employees who are regularly scheduled to work LESS than ~~36~~ **30** hours per week but more than 20 hours per week and who are not in a temporary classification. This classification are “benefits eligible” employees who receive all legally mandated benefits, such as Social Security, and worker’s compensation insurance; as well as Arkansas Public Employees Retirement and part-time vacation accrual.

Section 2-517

MEDICAL INSURANCE:

All full-time County employees, **who work an average of 30 hours a week or more per year,** are eligible to participate in a paid group health benefit plan. Participation becomes effective on the first of the month after completion of the initial ~~three-month~~ **two-month** benefit-waiting period. The county pays the insurance premium for the employee. Family coverage is available to eligible employees at the employee’s expense. Part-time employees (**less than an average of 30 hours a week or more per year,**) are not eligible to participate in the county’s medical insurance program. The elected offices of Justice of the Peace, ~~Coroner~~, Surveyor, and Constables are not eligible for the health benefit plan paid by the county. Eligible employees electing not to participate in the paid health plan will not receive alternate insurance or a cash sum in lieu of the program and must sign documentation waiving their coverage choice. Justices of the Peace may participate in the health plan at their own expense. Current part-time employees who are promoted into a full-time position, Deputy Prosecuting Attorneys, and Deputy Public Defender Attorneys who transfer from state-funded positions to county-funded positions without any break in employment become eligible to participate in the group health benefit plan immediately. Insurance coverage will end on the last day of the month in which you last worked. Vacation leave, non-FMLA sick leave, and grievance pay does not apply in the calculation of last day of coverage. **Employees will automatically be enrolled in the medical insurance plan if they do not “opt-out” of coverage at the conclusion of the two-month benefit-waiting period.**

Section 2-528

SMOKING:

~~Benton County prohibits smoking throughout the workplace. In compliance with Arkansas Act 8, *The Arkansas Clean Indoor Air Act*” smoking is prohibited in all county-owned buildings and facilities and vehicles.~~

~~This policy applies equally to all employees, as well as to our customers and visitors. Smoking is only allowed in designated areas outside of the county buildings.~~

To protect and enhance our air quality and to contribute to the health and well-being of all employees, Benton County buildings and facilities shall be entirely tobacco free effective October 10, 2013. As of this date the use of all tobacco products, including chewing tobacco, is banned from the County workplace. Tobacco Free Workplace applies to all regular full-time and part-time employees, volunteers, visitors, and Jurors.

All tobacco use is prohibited in areas within the County worksites, without exception, this includes the use of electronic cigarettes. This policy involves common work areas; maintenance facilities, classrooms, conference and meeting rooms, private offices, hallways, the break rooms, stairs, restrooms, and employer owned or leased vehicles, county road equipment, and all other facilities. Specifically included is the main courthouse and both courthouse annexes, the Juvenile Justice Center, and the Road Departments.

No one may smoke along any path way or walk way leading to or from the entry ways of any county buildings, nor may employees smoke at the picnic tables nor outdoors in any of the grassy areas or the county owned parking lots. The county does not have jurisdiction of any city sidewalks or city owned parking lots, therefore use of tobacco in these area does not fall under this policy.

Additionally, employees may smoke in their personal vehicles, but the smoke and tobacco products must be completely contained within the vehicle. It is not acceptable that either smoking or non-smoking employees are subjected to smoke that they must walk through to reach their vehicle or any other destination on the (County) premises.

No additional breaks are allowed to any employee who smokes or uses tobacco. Finally, smokers and users of tobacco products must dispose of the remains in the proper containers. This helps to keep a neat and clean environment for all employees and our visiting partners and customers.

Failure to comply with all of the components of this policy will result in disciplinary action that can lead up to and include employment termination.

This policy is effective October 10, 2013.

Section 2-537 (new section)

XXXX CERTIFICATE PAY

When an employee achieves certain professional certifications, degrees, and/or technical certifications he/she brings more value to the County. If certifications/degrees are beneficial and necessary to the operations of an elected official, that elected official may develop a plan and submit the plan to the Quorum Court for funding consideration during the annual budget process. Each plan should include the title of the certification/type of degree; how obtaining this certification/type of degree benefits the organization; and the amount of additional wages associated with obtaining the certification/ degree.

If the County pays for the certification/training, and the employee voluntarily leaves employment, prior to one year of completing the certification/training, the following reimbursement of the total cost of the program (registration, travel, lodging, and expenses) applies: voluntarily leaves employment under the same elected official in less than six months of the completion of training will be charged 75% of the total cost of the program; voluntarily leaves employment under the same elected official within six months to one year of completion of training will be charged 25% of the total cost of the program. Any amount owed the County for reimbursement of training/certification costs will be deducted from the employee's last paycheck.